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In re Application of :
AXTEN et al. :
Application No.: 10/533,502 : DECISION ON REQUEST
PCT No.: PCT/US03/35201 :
Int. Filing Date: 04 November 2003 :
Priority Date: 05 November 2002 :
Attorney Docket No.: P51381 :
For: ANTIBACTERIAL AGENTS :

This decision is in response to applicants' "Response to Notification of Missing Requirements - Petition to the Commissioner under 37 CFR 1.182" filed 23 February 2006. Applicants are notifying the Office that the name of the third inventor is Mark Andrew Seefeld as indicated on the declaration rather than Mark Antony Seefeld as indicated on the published international application. Applicants are advised that pursuant to 37 CFR 1.17(f) the petition fee is \$400.00. As authorized, the additional \$270.00 due will be deducted from deposit account no.: 19-2570.

The Affidavit of Mark Andrew Seefeld states that "International Application PCT/US03/35201 was filed with my name incorrectly listed as Mark Antony Seefeld when it should have been listed as Mark Andrew Seefeld, the inconsistencies in my name occurred by error, without deceptive intent." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. In that this is clearly more than a mere typographical error or a phonetic misspelling of applicant's given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. The Manual of Patent Examining Procedure at §605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. Accordingly, applicants' explanation of the difference in the name of the third inventor is accepted and noted for the record. For the reasons above, the request is **GRANTED.**

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 02 May 2005.

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